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SUBJECT: Juba Roundup: GoSS Ratifies State Constitutions, Ignoring CPA

Ref: A) Khartoum 02702, B) Khartoum 02654

11. (U) The following is a brief round-up of current issues from the Consulate General in Juba:

--GoSS Goes Ahead with State Constitutions;
--Minor SPLM Reshuffle Finishes with State Minister;
--Penal Code Marks First Laws in Southern Sudan;
--Juba Bridge Still Hanging On; and
--Chinese Establish Foothold with GoSS.

GoSS Goes Ahead with State Constitutions

12. (U) Government of Southern Sudan (GoSS) Minister of Legal Affairs and Constitutional Development Michael Makuei has put into law 9 of the 10 Southern state constitutions despite the fact that the national Ministry of Justice (MoJ) has not issued certifications as required by the Comprehensive Peace Agreement (CPA). Makuei announced his intentions and his justifications for doing so at the last Assessment and Evaluation Commission Power Sharing Working Group meeting (Ref A). Only Warrap State has elected to wait for MoJ approval. Although the move violates the CPA, Makuei told ConGen that he will no longer allow Northern stall tactics to delay development in the South. In its defense, the GoSS assert that the NCP's objections to the naming of state capitals and defined borders in the constitutions is baseless and inconsistent with such designations for Khartoum. Makuei said the National Congress Party (NCP) could take the issue to the Constitutional Court if it objected.

Minor SPLM Reshuffle Finishes with State Minister

13. (U) The November 26 swearing in of Professor Elias Nyamlel Wakoson as State Minister for International Cooperation completes a small-scale SPLM cabinet shift that began three months ago with the naming of then- State Minister for International Cooperation Dr. Barnaba Benjamin as the GoSS Minister for Regional Cooperation. Other changes include the moving of GoSS Minister for the Interior (MoI) Daniel Awet to Governor of Lakes States, the naming of GoSS Presidential Advisor for Legal Affairs Paul Mayom as the new GoSS MoI, and the creation of a new cabinet post, Minister in the Office of the President, held by Dr. Luka Biong. GoSS President Salva Kiir has also replaced four governors in the same time period: Lakes, Western Equatoria, Warrap, and Northern Bahr al-Ghazal.

14. (SBU) COMMENT: While not the major change many in the SPLM were hoping for -- Kiir dislikes dramatic action -- the moves are a subtle power shift. For example, some SPLM insiders hoped Dr. Justin Yaac would be replaced as Minister for Cabinet Affairs. While Kiir let him keep his position, the newly appointed Biong has almost the exact same portfolio. END COMMENT.

Penal Code Marks First Laws in Southern Sudan

¶15. (U) In its second session, the Southern Sudan Legislative Assembly passed a penal code based on the English Common Law system as the first new laws for Southern Sudan. These laws were considered a priority, because some judges were still applying Sharia law in Southern Sudan. The CPA states that all previous laws remain valid until new ones are passed. The Penal Code will not be fully operational until the Assembly passes the Criminal Procedures Code and the Rules of Evidence, which is next up on the agenda.

Juba Bridge Still Hanging On

¶16. (U) The remaining lane of the Juba bridge over the Nile is still intact and open for traffic, and has been watched carefully by local police since the collapse of the inbound side of the bridge on November 7. The bridge is a major artery and the only bridge over the Nile in all of Southern Sudan. The partial collapse of the bridge was not a surprise given its age (last reconstructed in 1976), lack of maintenance, and the high volume of heavy cargo traffic from Kenya. To protect the remaining side of the bridge, police officers are regulating traffic. While no scales are available, only one large truck is allowed on the bridge at a time, and the officers sporadically require loads from large trucks to be transferred onto several smaller trucks for the crossing.

Chinese Establish Foothold with GoSS

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¶17. (U) The Chinese became associated with some of the worst abuses of the civil war when Northern soldiers brutally cleared large areas of landed, displacing thousands, so that Chinese companies could begin exploiting southern oil. This has not stopped the GoSS, which is desperate for development, from establishing some direct ties with the Asian power. There have been several GoSS delegations to Beijing, and Chinese workers are currently renovating the Southern Sudan Legislative Assembly building and doing some minor construction work at the SPLA Chief of Staff compound. The GoSS has also awarded a subsection of the disputed Super Block B to a Chinese oil company, which has promised to build a pipeline to Kenya and a local refinery as well (Ref B). In perhaps the biggest sign of the growing Chinese presence, the truck that finally collapsed one lane of the Juba bridge (see above) was laden with construction materials for what will be Juba's first Chinese restaurant.

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